

Service Date: April 9, 1998

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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|---------------------------------------|---|---------------------|
| IN THE MATTER of the Investigation    | ) | UTILITY DIVISION    |
| into U S WEST Communications, Inc.'s  | ) | DOCKET NO. D97.5.87 |
| Compliance with Section 271(c) of the | ) |                     |
| Telecommunications Act of 1996.       | ) | ORDER NO. 5982b     |

**NOTICE OF FILING AND COMMISSION ACTION,**  
**ORDER ON MOTIONS, AND NOTICE OF FURTHER**  
**OPPORTUNITY TO INTERVENE AND COMMENT**

Pursuant to Order No. 5982 in this Docket, dated May 28, 1997, U S WEST Communications, Inc. (U S WEST) notified the Montana Public Service Commission (Commission) on March 30, 1998 of its intent to file an application with the Federal Communications Commission (FCC) no earlier than 90 days after the date of its Montana filing. U S WEST filed the testimony of witnesses to support its request for a favorable recommendation from this Commission to the FCC. U S WEST also filed motions for protective and procedural orders and proposed an expedited procedural schedule.

The Commission received objections to U S WEST's proposed procedural schedule from Montana Consumer Counsel (MCC), AT&T Communications of the Mountain States, Inc. (AT&T), and Sprint Communications Co., L.P. MCC moved for an order extending the proposed procedural schedule by at least a month. Both AT&T and Sprint alleged that U S WEST's filing is incomplete and, therefore, the proposed discovery deadline for discovery served upon U S WEST is unreasonable. AT&T asked the Commission to suspend the commencement of the 90-day notification period until procedural and protective orders are in place and U S WEST has filed all necessary information with the Commission. AT&T further requested the Commission permit additional intervention.

On April 3, 1998, the Commission received petitions to intervene from the Montana Telephone Association, Ronan Telephone Company, and Hot Springs Telephone Company. The

Commission addressed these issues in a work session held on April 7, 1998.

PLEASE TAKE NOTICE that on April 7, 1998, the Commission took the following action:

- 1) Granted late general intervention to Ronan Telephone Company, Hot Springs Telephone Company, and the Montana Telephone Association;
- 2) Voted to permit further late intervention ;
- 3) Voted to issue the Protective Order drafted by staff which is the standard PSC protective order;
- 4) Voted to accept U S WEST and MCC's proposed agreement that U S WEST will not file its § 271 Application with the FCC before July 30, 1998, if the Commission will make its recommendation to the FCC by July 30, 1998; and
- 5) Directed staff to develop a procedural schedule for this Docket with a hearing scheduled no later than the last week in June.

#### Intervention

The Commission will accept further requests for intervention filed no later than April 14, 1998. Any interested person with proper standing may file a petition to intervene pursuant to the Commission's procedural rules, ARM 38.2.2401 - 38.2.2406. Any such petitions must be addressed to Mr. Dennis Crawford, Montana PSC, 1701 Prospect Ave., PO Box 202601, Helena, MT 59620-26-1, including an original and five copies.

#### Other Matters

All documents submitted to the Commission in this Docket must be served upon the Docket Service List, and must be filed with a certificate of service.

Any interested person directly affected by this matter may, without intervention, file comments with the Commission; however, without intervention no party status will exist.

The Montana Consumer Counsel, 616 Helena Avenue, PO Box 201703, Helena, MT 59620-1703, telephone (406) 444-2771, is available to represent consumer interests in this matter.

#### Order

The Commission's final order in this Docket shall issue no later than July 30, 1998, and

THEREFORE, it is ORDERED that U S WEST shall not file its § 271 Application with the Federal Communications Commission before July 30, 1998.

IT IS FURTHER ORDERED that Ronan Telephone Company, Hot Springs Telephone Company, and the Montana Telephone Association are granted party status as general intervenors; and

IT IS FURTHER ORDERED that additional petitions for general intervention shall be granted if they are filed by April 14, 1998.

DONE AND DATED this 7th day of April, 1998.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chairman

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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DANNY OBERG, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.